

REMARKS

The Examiner has rejected Claims 1, 3, 17, and 22 to 24 under 35 U.S.C. 101 as being directed to non-patentable subject matter. Pending independent Claims 1 and 22 have been amended to be limited computer-implemented methods. It is now believed that these claims are directed to patentable subject matter.

The Examiner has now newly rejected independent Claims 1 and 18 under 35 U.S.C. 103 as being obvious in view of U.S. Patent No. 5,978,768 to McGovern (hereinafter "McGovern") and newly cited publication "Employees selection makes Ritz tradition (Ritz-Carlton Hotel Co.'s Targeted Selection Process employment program)" by Wagner (hereinafter "Wagner").

The Examiner has additionally rejected independent Claims 22, 25, and 26 under 35 U.S.C. 103 as being obvious in view of U.S. Patent No. 6,385,620 to Kurzius (hereinafter "Kurzius") in view of Wagner or "The Computer Psychologist", 9/1998, by Jane.

The Applicant again respectfully disagrees. Specifically, as previously set out in the Applicant's Office Action Responses and Appeal Brief, the Examiner has simply failed to present any motivation to combine test results used to assess personality traits, comparing these to defined personality traits for available employment positions of multiple employers, and as a consequence of this comparing providing the candidates with a list of available positions. McGovern appears to disclose nothing more than a conventional computerized employment matching service using conventional resumes. Wagner, on the other hand, appears to disclose no more than conventional personality profiling applied by a single employer, done after a candidate's education and work experience has been scrutinized (viz Wagner, par. 4). Again, the use of personality profiling to filter available employment positions for multiple employers presented to a job candidate as claimed in

independent Claims 1, 18, and 19 is a radical departure from known practices in the field of job matching and recruiting.

Therefore, it is again submitted that a skilled person faced with McGovern and Wagner would at best arrive at the possibility of screening job applicants based on personality profiles after applications and employment positions have been identified rather than before a list of available jobs is presented. Accordingly, withdrawal of the rejection to Claims 1, 18, and 19, as well as those claims dependent thereon in view of McGovern and Wagner is respectfully requested.


Withdrawal of the rejection of Claims 22, 25, and 26 as obvious in view of Kurzius, and Wagner, and "The Computer Psychologist" is similarly requested. Again, the candidate survey proposed by Kurzius is directed qualifications rather than a personality profile. There is no suggestion in Kurzius or Wagner of a desire to use personality profiling in order to filter available employment openings to present openings suiting the personality profile of the employment seeker as claimed in Claims 22, 25, and 26. Any suggestion that such motivation exists is submitted as made with impermissible hindsight. Withdrawal of the rejection of independent Claims 22, 25, and 26 and those dependent thereon under 35 U.S.C. 103 in view of Kurzius and Wagner is therefore requested.

Similarly, "The Computer Psychologist", cited by the Examiner, discloses no more than use of personality profiling in assessing an individual's suitability to a particular job. Again, there is no suggestion that such personality profiling could or should be used in providing employment seekers lists of available employment opportunities as claimed in Claims 22, 25, and 26. Withdrawal of the rejection of these claims and those claims dependent thereon in view of Kurzius and "The Computer Psychologist" is therefore also requested.

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In view of the above, favourable consideration and allowance of this application are requested.

Respectfully submitted,

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